

AUG-07-2003 THU 06:54 PM SENNIGER POWERS

FAX NO. 3142314342

P. 01

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GROUP 1600

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SRL 6109 (C-3115)
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 15 2003

Application of Richard A. Mueller

Art Unit 1656

GROUP 1600

Serial No. 09/249,220

Filed February 12, 1999

For USE OF N-SUBSTITUTED-1,5-DIDEOXY-1,5-IMINO-D-GLUCITOL
COMPOUNDS FOR TREATING HEPATITIS VIRUS INFECTIONS

Examiner F. Ghashghaee

October 15, 2001

EL890726285US

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LETTER TO THE PATENT AND TRADEMARK OFFICE

AUG 25 2003

TO THE ASSISTANT COMMISSIONER FOR PATENTS,

TECH CENTER 1600/2900

SIR:

This is in response to the Office action of September 13, 2001.

Reconsideration of the restriction requirement is respectfully requested.

Confirming the telephone voice mail message of Friday, October 12, 2001 to Examiner Fredman, an Office action on the merits of claims 1-149 was issued in this application by Examiner Ghashghaee. Applicants submitted a reply to this action on April 23, 2001 with the fee appropriate for extension of time to respond. Thus, Applicants have been awaiting further action on the merits of all claims.

Since action has already been taken on the merits of all claims, and Applicants have responded to the rejections made by Examiner Ghashghaee, it is respectfully submitted that the Patent and Trademark Office should have issued a further action on the merits. In fact, it is respectfully submitted that reexamination on the merits is required by 35 U.S.C. §132(a). It, therefore, appears that the prior prosecution on the merits may have been overlooked, and restriction requirement of September 13, 2001 may have been inadvertently issued, when the responsibility for examination of the application was transferred from Examiner Ghashghaee to Examiner Fredman.

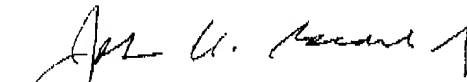
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SRL 6109 (C-3115)
PATENT

To complete the instant response, Applicants provisionally elect Group I, claims 1-75 for prosecution.

Applicants further respectfully call to the Examiner's attention the Supplemental Information Disclosure Statement of July 19, 2001. Applicants have also received an Office action in a parallel application, Ser. No. 09/023,401 in which Examiner Travers has cited additional art. The art cited by Examiner Travers will be submitted shortly in a further Supplemental Information Disclosure Statement. It is suggested that further action on the merits be deferred until the art cited by Examiner Travers has been placed in the record of the instant application.

Respectfully submitted,



John K. Roedel, Jr., Reg. No. 25,914
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File SR 6109 Attorney JKR
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